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bushing to be screwed into the hole in the structure; and removing the engagement protrusions from the cavities after the bushing has been screwed into the hole in the structure such that a rear surface of the head portion contacts the structure.

REMARKS

I. Status of the Application

Claims 1 and 3-22 are pending in the subject application and stand rejected. Applicant is filing the present Amendment in connection with a Request For Continued Examination. As will be discussed in further detail, Applicant has independent claims 1, 10, 15 and 19. A separate attachment entitled "Version With Markings to Show Changes Made" is enclosed.

II. Claim Rejections Under 35 U.S.C. §102

Claims 1 and 6 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,983,598 to Rosan, Sr. et al. In particular, the Official Action provides that:

Rosan, Sr. et al. discloses a cable support apparatus with a body portion (14) and a head portion (16) with a first surface that is integrally attached to the body portion. There is a passageway extending through the body and head portion, and there is a spiral thread on an exterior surface of the body portion. There is a second surface opposite the first surface and the head portion is provided with at least two holes (34) that two diametrically apposed installation holes on the second surface.

Official Action, page 2. This statement asserts that the V-shaped slots (34) located at the end of the "stud-like body 14" which is opposite from the "multi-sided head 16" is equivalent to the recited installation holes in the second surface of the head portion. Yet the Official Action later provides:

Rosan , Sr. et al does **not** disclose a pair of holes on the head of the cable support...

Official Action, page 3, first paragraph (emphasis added). Thus, later in the Official Action, the Examiner agrees that Rosan, Sr. et al. fails to disclose the pair of holes recited in claims 1 and 6.

It is axiomatic that for a reference to be properly applied under Section 102(b), it must disclose each and every element of the claim. *In re Paulsen*, 30 F.3d 1475 USPQ2d 1671 (Fed. Cir. 1994). Claim 1 recites that the cable support apparatus comprises at least two installation holes in the second surface of the **head** portion. Applicant submits that Rosan, Sr. et al. fails to disclose such elements – a fact that the Examiner apparently agrees with as evidenced by the above-quoted passage. Accordingly, the rejection of claims 1 and 6 under 35 U.S.C. § 102(b) is improper and should be removed.

III. Claim Rejections Under 35 U.S.C. §103

Claims 3-5 and 10-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rosan, Sr. et al. in view of U.S. Patent No. 3,073,206 to Rudolph (“Rudolph”). In particular, the Official Action provides:

Rosan, Sr. et al. does not disclose a pair of holes on the head of the cable support and a [sic] installation tool with engagement protections protruding therefrom corresponding to the holes, wherein a rotational force is applied with the tool on the bushing to cause the bushing to be screwed into a hole in a wall. Rudolph discloses a screw (10) with a body portion that has an exterior surface with threads and a head portion (16). The head portion has installation formations in the form of a pair of diametrically opposed holes (18). The screw can be screwed into a wall by using an installation tool 920 with engagement protrusions 9220 and providing a rotational force on the screw, thereby allowing the screw to be rotated in either direction. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a head portion taught by Rudolph for the purpose of providing a simplified means to secure the apparatus into a structure through rotation of an appropriate installation tool.

Official Action, page 3.

In addition to the reasons stated in Applicant's prior August 7, 2002 Amendment regarding the impropriety of the asserted combination of Rosan, Sr. et al. with Rudolph, Applicant submits that claims 1 and 10 have been further amended to clarify that the head portion is substantially planar and has a substantially smooth second surface that intersects the first surface. Support for that amendment may be found in Figures 5, 8, 10 and 11 of the subject application as originally filed. Neither Rosan, Sr. et al. or Rudolph exhibit such features.

Looking to Rosan, Sr. et al. first, the head is hexagonally shaped to receive a conventional wrench. Likewise, the head of Rudolph has a series of threads around its circumference. Thus, even if one were to combine the disclosures of Rosan, Sr. et al. with Rudolph (which Applicant still maintains that such combination is improper), the resulting combination would at least lack the above-mentioned features. Thus, Applicant submits that a *prima facie* case of obviousness over Rosan, Sr. et al. and Rudolph has not been established with respect to claims 1 and 10 and the claims that depend from claims 1 and 10.

The Official Action also provides that "claims 12-14 are all related to providing paint or wall paper to the head of the bushing and exterior surface for aesthetic purposes. Although Rosan Sr. et al. in view of Rudolph does not disclose those features, they are a matter of design preference and would have been obvious to one of ordinary skill in the art at the time of the present invention." Official Action, page 5. Later in the Official Action, the Examiner states:

...the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; no is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the

test is what the combined teachings of the references would have suggested to those of ordinary skill in the art.

Official Action, page 5.

In addition to the reasons stated above with respect to claim 10, Applicant submits that neither Rosan, Sr. et al. or Rudolph remotely hint that it would be desirable to either paint the heads of those devices (heads that are specifically shaped to be engaged by wrenches or a by a specially made adapter that screws onto the head and which such paint would foul the threads) or cover such obtrusive heads with wall paper. Applicant submits that, if anything, the large hexagonally-shaped heads of the Rosan, Sr. et al. bushings and the threaded head of the Rudolph cap screws would lead one away from covering those heads with paint or wallpaper. Accordingly, for these reasons, in addition to the above-mentioned reasons with respect to claim 10, a *prima facie* case of obviousness has not been established with respect to claims 12-14.

Claims 15-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rosan, Sr. et al. in view of Rudolph and in further view of Tschanz. Claims 15 and 19 have been amended to clarify that the bushing which is being installed has a substantially planar head portion that has a substantially smooth exterior surface. As can be seen in the Figures of Tschanz, the conduit support assemblies disclosed therein do not have those attributes. Thus, even if the disclosures of Rosan, Sr. et al., Rudolph and Tschanz were combined as asserted in the Official Action, and which Applicant maintains that there is no motivation to do so, the resulting combination would at least lack these features. Accordingly, claims 15 and 19 and the claims that depend from claims 15 and 19 are seen to be patentable over this asserted combination of references.

Claims 16-18 and 20-22 were also rejected as being unpatentably obvious over Rosan, Sr. et al, in view of Rudolph, in further view of Tschanz. The Official Action admits that none of those references disclose providing paint or wallpaper to the heads of the bushing and exterior surface for aesthetic purposes and Applicant agrees. Furthermore, as was noted by the Examiner in the Official Action, the test for obviousness involves "what the combined teachings of the references would have suggested to those of ordinary skill in the art." The bushing of Rosan, Sr. et al. has a large hexagonally shaped head that protrudes significantly outward from the installation surface in order to be engaged by a conventional wrench. Applicant submits that such arrangement does not suggest painting the bushing or covering the head of the bushing which could hamper the ability to remove the bushing with the wrench. Rudolph teaches a cap screw that has an exteriorly threaded head that is adapted to removably receive an annular cap. By painting or otherwise covering the cap screw head with wallpaper would hinder and most likely prohibit the installation of the annular cap onto threaded portion of the cap screw. Tschanz discloses an assembly that protrudes outward a significant distance on both sides of the wall. Applicant has been unable to find any disclosure in Tschanz that would have suggested to paint or wallpaper the assembly. Applicant submits that a *prima facie* case of obviousness has not been established with respect to claims 16-18 and 20-22.

Claims 7-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rosan, Sr. et al. in view of Rudolph and in further view of Applicant's disclosure. In particular, the Official Action provides:

Rosan, Sr. et al., does not disclose a cable support apparatus with a conical shaped body portion. However, page 7, lines 21-23 of Applicant's specification indicate that the body portion can also be cylindrical shaped (as taught by Rosan Sr.) and the shape of the body seems to be merely a matter of engineering preference."

Official Action, page 4. Applicant submits that claims 7-9 are patentable over this asserted combination, for the reasons stated above with respect to the rejection of claim 3-5 and 10-14. Namely, the resulting combination would at least lack a head portion that is substantially planar and that has a substantially smooth outer surface that intersects the first surface. In addition, Applicant submits that Applicant's disclosure discloses several different embodiments of the present invention. Applicant also notes Section 2144.04(IV)(B) of the Manual of Patent Examining Procedure ("MPEP") which provides:

In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA) (The court held that the configuration of the claimed disposable plastic nursing container was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed container was significant.).

MPEP § 2144.04(IV)(B). Applicant's disclosure provides that the conical shape can serve to further retain the bushing in place. See, page 7, lines 19-21. As such, the subject application clearly discloses the purpose for the conical shape and, therefore, for this reason, in addition to the above-mentioned reasons, a *prima facie* case of obviousness of claim 7 has not been established.

The Official Action further provides that "[t]he thickness of the head portion is also a matter of engineering preference." Official Action, page 4. The subject application provides that one feature of various embodiments of the invention is to provide a bushing that does not detract from the aesthetic appearance of the wall or other structure to which it is attached.

Subject application, page 4, line 24-page 5, line 4. The subject application further provides that "by providing the head portion 114 with a relatively low profile or thickness ("T"), and a smooth outer surface 116, the bushing 110 can be relatively unnoticeable when installed."

Subject application, page 8, lines 4-9. Again the subject application teaches the significance of

the thickness of the head portion. Thus, for this reason, in addition to the above-mentioned reasons, a *prima facie* case of obviousness has not been established with respect to claim 8.

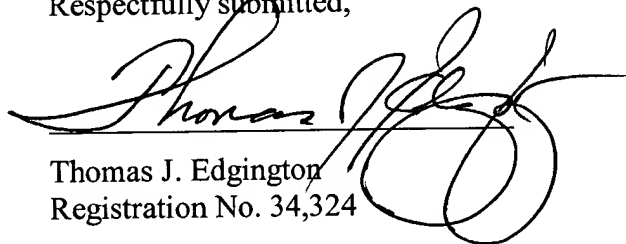
Also in the Official Action, the Examiner stated that “Rosan, Sr. does not specifically disclose a head portion and a body portion made of a polymeric material. However, page 11, line 22 of Applicant’s specification indicates that the bushing could also be made of metal and the material used seems [to] be a matter of engineering preference, as well.” Official Action, page 4. Applicant submits that the subject application explains the significance of manufacturing the bushing out of polymeric material. The subject application provides that “[I]n one embodiment, the bushing 110 may be molded as a single unit from a polymeric material having a color that matches the color of the outer surface of the wall or other structure.” Subject application, page 11, lines 14-17. Thus, for this reason, in addition to the above-mentioned reasons, a *prima facie* case of obviousness has not been established with respect to claim 9.

IV. Conclusion

Applicant submits that all of the pending claims are in condition for allowance. Accordingly, reconsideration and passage to allowance of the subject application at an early date are earnestly solicited. If the undersigned can be of assistance in advancing the subject

application to allowance, the Examiner may contact the undersigned at the telephone number set forth below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas J. Edgington", written over a horizontal line.

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Version With Markings to Show Changes Made

In the claims

Please amend claims 1, 10, 15 and 19 as follows:

1. (Twice amended) A cable support apparatus, comprising:

a body portion;

a substantially planar head portion having a first surface integrally attached to one end of said body portion, said head portion having a substantially smooth second surface [opposite to] intersecting said first surface;

a passageway extending through said body portion and said head portion;

a retainer on an exterior surface of said body portion; and

at least two installation holes in said second surface of said head portion.

10. (Twice amended) An apparatus for supporting a cable comprising:

a conical body portion;

a low profile substantially planar head portion having a first surface integrally attached to said body portion, said head portion having a substantially smooth second surface [opposite to] intersecting said first surface;

a passageway extending through said head portion and said body portion;

a spiral thread formed on an exterior surface of said body portion; and

a pair of holes in said second surface of said head portion.

15. (Twice amended) A method of installing a cable through a structure, said method comprising:

providing a bushing having a body portion having threads thereon and a distal end and a proximal end with a substantially planar head portion integrally attached thereto, the head portion having a low profile and a substantially smooth exterior surface with at least two cavities therein, the bushing further having a passageway extending through the body portion and the head portion;

providing a hole in the structure sized to receive the body portion of the bushing;

inserting the distal end of the bushing into the hole in the structure;

inserting engagement protrusions into the cavities in the head portion of the bushing and simultaneously applying a rotational force to the engagement protrusions to cause the bushing to be screwed into the hole in the structure;

removing the engagement protrusions from the cavities after the bushing has been screwed into the hole in the structure such that a rear surface of the head portion contacts the structure; and

inserting a cable into the passageway.

19. (Twice amended) A method of supporting a cable extending through a hole in a structure, said method comprising:

providing a bushing having a body portion having threads thereon and a distal end and a proximal end having a substantially planar head portion integrally attached thereto, the head portion having a low profile and a substantially smooth exterior surface with at least two

cavities therein, the bushing further having a passageway extending through the body portion and the head portion;

inserting the cable through the passageway in the bushing;

inserting the distal end of the body portion into the hole in the structure;

inserting engagement protrusions into the cavities in the head portion of the bushing and simultaneously applying a rotational force to the engagement protrusions to cause the bushing to be screwed into the hole in the structure; and removing the engagement protrusions from the cavities after the bushing has been screwed into the hole in the structure such that a rear surface of the head portion contacts the structure.